

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ANTHONY BABINEAUX	§ C.A. No.	
	§	
VS.	§ SEC. “__”	MAG. (___)
	§	
DIAMOND B. INDUSTRIES, LLC,	§	
DIAMOND BOATS, INC. and	§	
DIAMOND B. MARINE SERVICES, INC.	§	

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW INTO COURT, through undersigned counsel, comes Plaintiff ANTHONY BABINEAUX (“Plaintiff”), complaining of Defendants Diamond B. Industries, LLC, Diamond Boats, Inc. and Diamond B. Marine Services, Inc. (“Defendants”), and, for cause of action, would respectfully show as follows:

I. PARTIES

1. Plaintiff ANTHONY BABINEAUX, is a U.S. citizen and resident of Iberia Parish, Louisiana.

2. Defendant Diamond B. Industries, LLC, is a Louisiana Limited Liability Company with its principal place of business in Iberia Parish, Western District of Louisiana, doing business in this District and the State of Louisiana for the purpose of accumulating monetary profit, and may

be served with process through Stephanie LeJeune, their registered agent, at 4918 South Lewis Street, New Iberia, LA 70560, in accordance with Rule 4(h) Fed.R.Civ.P.

3. Defendants Diamond Boats, Inc. and Diamond Marine Services, Inc. are both business entities with its principal place of business in Iberia Parish, Western District of Louisiana, doing business in this District and the State of Louisiana for the purpose of accumulating monetary profit, and may be served with process through Stephanie LeJeune, their registered agent, at 4918 South Lewis Street, New Iberia, LA 70560, in accordance with Rule 4(h) Fed.R.Civ.P.

II. JURISDICTION

4. The Court has jurisdiction over the lawsuit under 28 U.S.C. §1333 because the suit involves admiralty and maritime jurisdiction. This case is brought pursuant 28 U.S.C. § 1333 and the general maritime law.

III. VENUE

5. Venue is proper in this matter pursuant to the admiralty and maritime laws of the United States, Rule 82 Fed. R. Civ. P.

IV. FACTS

6. At all material times hereto, Defendants owned, operated and/or crewed the vessel involved in the incident made the basis of this suit.

7. At all material times hereto, Plaintiff was employed by Hollemire International, LLC, working as a welder on said vessel near navigable waters.

8. On or about August 8, 2013, Plaintiff sustained severe and disabling injuries when he fell through the floor of the barge down onto an engine while working on the vessel. Said injuries

were caused by the negligence and/or gross negligence of Defendants, their agents, servants and/or employees.

9. Plaintiff suffered severe and disabling personal injuries due to the negligence and/or gross negligence of Defendant, in the following particulars, among others:

(a) failing to maintain the vessel and her appurtenances and/or equipment in a safe and reasonable state of repair;

(b) failing to take reasonable precautions for Plaintiff's safety;

(c) failing to provide workers with a reasonably safe place to work;

(d) failing to warn Plaintiff of known and/or existing hazards;

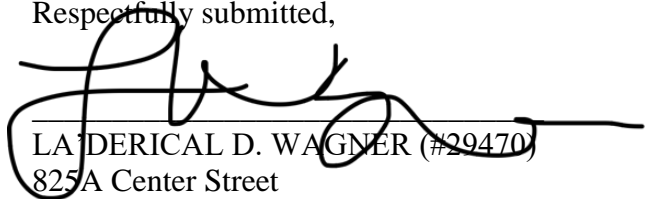
(e) other acts and/or omissions to be shown at trial herein.

V. DAMAGES

10. As a direct and proximate result of Defendant's negligence and/or gross negligence, Plaintiff suffered the following injuries and damages, including, but not limited to: (a) mental anguish in the past and future; (b) lost earnings; (c) loss of earning capacity; (d) disfigurement in the past and future; (e) physical impairment in the past and future; (f) medical expenses in the past and future; (g) physical pain and suffering; (h) punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants for: actual damages in an amount exceeding the jurisdictional limits of this Court; prejudgment and postjudgment interest; punitive damages; pecuniary and non-pecuniary damages; attorney's fees; costs of suit; and all other relief to which he may be entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. D. Wagner", is written over a horizontal line.

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